

Todd M. Friedman (SBN 216752)
Adrian R. Bacon (SBN 280332)
Meghan E. George (SBN 274525)
LAW OFFICES OF TODD M. FRIEDMAN, P.C.
21550 Oxnard St., Suite 780
Woodland Hills, CA 91367
Phone: 877-206-4741
Fax: 866-633-0228
tfriedman@ toddflaw.com
abacon@ toddflaw.com
mgeorge@toddfllaw.com
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING) Case No.

INC, individually and on behalf of all)

others similarly situated,)

CLASS ACTION

Plaintiff,)

**COMPLAINT FOR VIOLATIONS
OF:**

vs.)

QUICK CAPITAL FUNDING LLC;)

and DOES 1 through 10, inclusive,)

Defendant.)

1. NEGLIGENT VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227(b)]
2. WILLFUL VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227(b)]
3. NEGLIGENT VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227(c)]
4. WILLFUL VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227(c)]

DEMAND FOR JURY TRIAL

1 Plaintiff ABANTE ROOTER AND PLUMBING INC (“Plaintiff”),
2 individually and on behalf of all others similarly situated, alleges the following
3 upon information and belief based upon personal knowledge:

4 **NATURE OF THE CASE**

5 1. Plaintiff brings this action individually and on behalf of all others
6 similarly situated seeking damages and any other available legal or equitable
7 remedies resulting from the illegal actions of Defendant QUICK CAPITAL
8 FUNDING LLC (“Defendant”), in negligently, knowingly, and/or willfully
9 contacting Plaintiff on Plaintiff’s cellular telephone in violation of the Telephone
10 Consumer Protection Act, 47. U.S.C. § 227 *et seq.* (“TCPA”) and related
11 regulations, specifically the National Do-Not-Call provisions, thereby invading
12 Plaintiff’s privacy.

13 **JURISDICTION & VENUE**

14 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff,
15 a California corporation with its principle place of business also in California, seeks
16 relief on behalf of a Class, which will result in at least one class member belonging
17 to a different state than that of Defendant, a New Jersey company. Plaintiff also
18 seeks up to \$1,500.00 in damages for each call in violation of the TCPA, which,
19 when aggregated among a proposed class in the thousands, exceeds the
20 \$5,000,000.00 threshold for federal court jurisdiction. Therefore, both diversity
21 jurisdiction and the damages threshold under the Class Action Fairness Act of 2005
22 (“CAFA”) are present, and this Court has jurisdiction.

23 3. Venue is proper in the United States District Court for the Central
24 District of California pursuant to 28 U.S.C. § 1391(b)(2) because Defendant does
25 business within the State of California and Plaintiff resides within the County of
26 Alameda.

27 **PARTIES**

28 4. Plaintiff, ABANTE ROOTER AND PLUMBING INC (“Plaintiff”),

1 is a roofing and plumbing business in Emeryville, California and is a “person” as
2 defined by *47 U.S.C. § 153 (39)*.

3 5. Defendant, QUICK CAPITAL FUNDING LLC (“Defendant”), is
4 loan provider, and is a “person” as defined by *47 U.S.C. § 153 (39)*.

5 6. The above named Defendant, and its subsidiaries and agents, are
6 collectively referred to as “Defendants.” The true names and capacities of the
7 Defendants sued herein as DOE DEFENDANT 1 through 10, inclusive, are
8 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious
9 names. Each of the Defendants designated herein as a DOE is legally responsible
10 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the
11 Complaint to reflect the true names and capacities of the DOE Defendants when
12 such identities become known.

13 7. Plaintiff is informed and believes that at all relevant times, each and
14 every Defendant was acting as an agent and/or employee of each of the other
15 Defendant and was acting within the course and scope of said agency and/or
16 employment with the full knowledge and consent of each of the other Defendant.
17 Plaintiff is informed and believes that each of the acts and/or omissions complained
18 of herein was made known to, and ratified by, each of the other Defendant.

19 **FACTUAL ALLEGATIONS**

20 8. Beginning in or around January 14, 2015, Defendant contacted
21 Plaintiff on Plaintiff’s cellular telephone numbers ending in -7511, -1080, -5154, -
22 3803, -0180, -0106, -1016, -5903, -1636, and -7210 in an attempt to solicit Plaintiff
23 to purchase Defendant’s services.

24 9. Defendant contacted or attempted to contact Plaintiff from telephone
25 numbers belonging to Defendant.

26 10. Defendant used an “automatic telephone dialing system” as defined
27 by *47 U.S.C. § 227(a)(1)* to place its calls to Plaintiff seeking to solicit its services.

28 11. Furthermore, at one or more instance during these calls, Defendant

1 utilized an “artificial or prerecorded voice” as prohibited by 47 U.S.C. §
2 227(b)(1)(A).

3 12. Defendant’s calls constituted calls that were not for emergency
4 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

5 13. Defendant’s calls were placed to telephone number assigned to a
6 cellular telephone service for which Plaintiff incurs a charge for incoming calls
7 pursuant to 47 U.S.C. § 227(b)(1).

8 14. Plaintiff is not a customer of Defendant’s services and has never
9 provided any personal information, including his telephone number, to Defendant
10 for any purpose whatsoever.

11 15. During all relevant times, Defendant did not possess Plaintiff’s “prior
12 express consent” to receive calls using an automatic telephone dialing system or an
13 artificial or prerecorded voice on its cellular telephones pursuant to 47 U.S.C. §
14 227(b)(1)(A).

15 16. Furthermore, Plaintiff’s cellular telephone number ending in -1080, -
16 7511, -0106, -1636, and -5154 has been on the National Do-Not-Call Registry well
17 over thirty (30) days prior to Defendant’s initial calls.

18 17. Defendant placed multiple calls soliciting its business to Plaintiff on
19 its cellular telephones beginning in or around September of 2016.

20 18. Such calls constitute solicitation calls pursuant to 47 C.F.R. §
21 64.1200(c)(2) as they were attempts to promote or sell Defendant’s services.

22 19. Plaintiff received numerous solicitation calls from Defendant within a
23 12-month period.

24 20. Plaintiff requested for Defendant to stop calling Plaintiff during one
25 of the initial calls from Defendant, thus revoking any prior express consent that had
26 existed and terminating any established business relationship that had existed, as
27 defined under 16 C.F.R. 310.4(b)(1)(iii)(B).

28 21. Despite this, Defendant continued to call Plaintiff in an attempt to

1 solicit its services and in violation of the National Do-Not-Call provisions of the
2 TCPA.

3 22. Upon information and belief, and based on Plaintiff's experiences of
4 being called by Defendant after requesting they stop calling, and at all relevant
5 times, Defendant failed to establish and implement reasonable practices and
6 procedures to effectively prevent telephone solicitations in violation of the
7 regulations prescribed under 47 U.S.C. § 227(c)(5).

8 **CLASS ALLEGATIONS**

9 23. Plaintiff brings this action individually and on behalf of all others
10 similarly situated, as a member the four proposed classes (hereafter, jointly, "The
11 Classes"). The class concerning the ATDS claim for no prior express consent
12 (hereafter "The ATDS Class") is defined as follows:

13 All persons within the United States who received any
14 solicitation/telemarketing telephone calls from
15 Defendant to said person's cellular telephone made
16 through the use of any automatic telephone dialing
17 system or an artificial or prerecorded voice and such
18 person had not previously consented to receiving such
19 calls within the four years prior to the filing of this
20 Complaint

21 24. The class concerning the ATDS claim for revocation of consent, to the
22 extent prior consent existed (hereafter "The ATDS Revocation Class") is defined
23 as follows:

24 All persons within the United States who received any
25 solicitation/telemarketing telephone calls from
26 Defendant to said person's cellular telephone made
27 through the use of any automatic telephone dialing
28 system or an artificial or prerecorded voice and such
person had revoked any prior express consent to receive
such calls prior to the calls within the four years prior to

1 the filing of this Complaint.

2 25. The class concerning the National Do-Not-Call violation (hereafter
3 “The DNC Class”) is defined as follows:
4

5 All persons within the United States registered on the
6 National Do-Not-Call Registry for at least 30 days, who
7 had not granted Defendant prior express consent nor had
8 a prior established business relationship, who received
9 more than one call made by or on behalf of Defendant
10 that promoted Defendant’s products or services, within
any twelve-month period, within four years prior to the
filing of the complaint.

11 26. The class concerning the National Do-Not-Call violation following
12 revocation of consent and prior business relationship, to the extent they existed
13 (hereafter “The DNC Revocation Class”) is defined as follows:

14 All persons within the United States registered on the
15 National Do-Not-Call Registry for at least 30 days, who
16 received more than one call made by or on behalf of
17 Defendant that promoted Defendant’s products or
18 services, after having revoked consent and any prior
19 established business relationship, within any twelve-
month period, within four years prior to the filing of the
complaint.

20
21 27. Plaintiff represents, and is a member of, The ATDS Class, consisting
22 of all persons within the United States who received any solicitation telephone calls
23 from Defendant to said person’s cellular telephone made through the use of any
24 automatic telephone dialing system or an artificial or prerecorded voice and such
25 person had not previously not provided their cellular telephone number to
26 Defendant within the four years prior to the filing of this Complaint.

27 28. Plaintiff represents, and is a member of, The ATDS Revocation Class,
28 consisting of all persons within the United States who received any

1 solicitation/telemarketing telephone calls from Defendant to said person's cellular
2 telephone made through the use of any automatic telephone dialing system or an
3 artificial or prerecorded voice and such person had revoked any prior express
4 consent to receive such calls prior to the calls within the four years prior to the
5 filing of this Complaint.

6 29. Plaintiff represents, and is a member of, The DNC Class, consisting
7 of all persons within the United States registered on the National Do-Not-Call
8 Registry for at least 30 days, who had not granted Defendant prior express consent
9 nor had a prior established business relationship, who received more than one call
10 made by or on behalf of Defendant that promoted Defendant's products or services,
11 within any twelve-month period, within four years prior to the filing of the
12 complaint.

13 30. Plaintiff represents, and is a member of, The DNC Revocation Class,
14 consisting of all persons within the United States registered on the National Do-
15 Not-Call Registry for at least 30 days, who received more than one call made by or
16 on behalf of Defendant that promoted Defendant's products or services, after
17 having revoked consent and any prior established business relationship, within any
18 twelve-month period, within four years prior to the filing of the complaint.

19 31. Defendant, their employees and agents are excluded from The
20 Classes. Plaintiff does not know the number of members in The Classes, but
21 believes the Classes members number in the thousands, if not more. Thus, this
22 matter should be certified as a Class Action to assist in the expeditious litigation of
23 the matter.

24 32. The Classes are so numerous that the individual joinder of all of its
25 members is impractical. While the exact number and identities of The Classes
26 members are unknown to Plaintiff at this time and can only be ascertained through
27 appropriate discovery, Plaintiff is informed and believes and thereon alleges that
28 The Classes includes thousands of members. Plaintiff alleges that The Classes

1 members may be ascertained by the records maintained by Defendant.

2 33. Plaintiff and members of The ATDS Class and The ATDS Revocation
3 Class were harmed by the acts of Defendant in at least the following ways:
4 Defendant illegally contacted Plaintiff and ATDS Class members via their cellular
5 telephones thereby causing Plaintiff and ATDS Class and ATDS Revocation Class
6 members to incur certain charges or reduced telephone time for which Plaintiff and
7 ATDS Class and ATDS Revocation Class members had previously paid by having
8 to retrieve or administer messages left by Defendant during those illegal calls, and
9 invading the privacy of said Plaintiff and ATDS Class and ATDS Revocation Class
10 members.

11 34. Common questions of fact and law exist as to all members of The
12 ATDS Class which predominate over any questions affecting only individual
13 members of The ATDS Class. These common legal and factual questions, which
14 do not vary between ATDS Class members, and which may be determined without
15 reference to the individual circumstances of any ATDS Class members, include,
16 but are not limited to, the following:

- 17 a. Whether, within the four years prior to the filing of this
18 Complaint, Defendant made any telemarketing/solicitation call
19 (other than a call made for emergency purposes or made with
20 the prior express consent of the called party) to a ATDS Class
21 member using any automatic telephone dialing system or any
22 artificial or prerecorded voice to any telephone number
23 assigned to a cellular telephone service;
- 24 b. Whether Plaintiff and the ATDS Class members were damaged
25 thereby, and the extent of damages for such violation; and
- 26 c. Whether Defendant and their agents should be enjoined from
27 engaging in such conduct in the future.

28 35. As a person that received numerous telemarketing/solicitation calls

1 from Defendant using an automatic telephone dialing system or an artificial or
2 prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting
3 claims that are typical of The ATDS Class.

4 36. Common questions of fact and law exist as to all members of The
5 ATDS Revocation Class which predominate over any questions affecting only
6 individual members of The ATDS Revocation Class. These common legal and
7 factual questions, which do not vary between ATDS Revocation Class members,
8 and which may be determined without reference to the individual circumstances of
9 any ATDS Revocation Class members, include, but are not limited to, the
10 following:

- 11 a. Whether, within the four years prior to the filing of this
12 Complaint, Defendant made any telemarketing/solicitation call
13 (other than a call made for emergency purposes or made with
14 the prior express consent of the called party) to an ATDS
15 Revocation Class member, who had revoked any prior express
16 consent to be called using an ATDS, using any automatic
17 telephone dialing system or any artificial or prerecorded voice
18 to any telephone number assigned to a cellular telephone
19 service;
- 20 b. Whether Plaintiff and the ATDS Revocation Class members
21 were damaged thereby, and the extent of damages for such
22 violation; and
- 23 c. Whether Defendant and their agents should be enjoined from
24 engaging in such conduct in the future.

25 37. As a person that received numerous telemarketing/solicitation calls
26 from Defendant using an automatic telephone dialing system or an artificial or
27 prerecorded voice, after Plaintiff had revoked any prior express consent, Plaintiff
28 is asserting claims that are typical of The ATDS Revocation Class.

1 38. Plaintiff and members of The DNC Class and DNC Revocation Class
 2 were harmed by the acts of Defendant in at least the following ways: Defendant
 3 illegally contacted Plaintiff and DNC Class and DNC Revocation Class members
 4 via their telephones for solicitation purposes, thereby invading the privacy of said
 5 Plaintiff and the DNC Class and DNC Revocation Class members whose telephone
 6 numbers were on the National Do-Not-Call Registry. Plaintiff and the DNC Class
 7 and DNC Revocation Class members were damaged thereby.

8 39. Common questions of fact and law exist as to all members of The
 9 DNC Class which predominate over any questions affecting only individual
 10 members of The DNC Class. These common legal and factual questions, which do
 11 not vary between DNC Class members, and which may be determined without
 12 reference to the individual circumstances of any DNC Class members, include, but
 13 are not limited to, the following:

- 14 a. Whether, within the four years prior to the filing of this
 15 Complaint, Defendant or its agents placed more than one
 16 solicitation call to the members of the DNC Class whose
 17 telephone numbers were on the National Do-Not-Call Registry
 18 and who had not granted prior express consent to Defendant and
 19 did not have an established business relationship with
 20 Defendant;
- 21 b. Whether Defendant obtained prior express written consent to
 22 place solicitation calls to Plaintiff or the DNC Class members'
 23 telephones;
- 24 c. Whether Plaintiff and the DNC Class member were damaged
 25 thereby, and the extent of damages for such violation; and
- 26 d. Whether Defendant and their agents should be enjoined from
 27 engaging in such conduct in the future.

28 40. As a person that received numerous solicitation calls from Defendant

1 within a 12-month period, who had not granted Defendant prior express consent
2 and did not have an established business relationship with Defendant, Plaintiff is
3 asserting claims that are typical of the DNC Class.

4 41. Common questions of fact and law exist as to all members of The
5 DNC Class which predominate over any questions affecting only individual
6 members of The DNC Revocation Class. These common legal and factual
7 questions, which do not vary between DNC Revocation Class members, and which
8 may be determined without reference to the individual circumstances of any DNC
9 Revocation Class members, include, but are not limited to, the following:

- 10 a. Whether, within the four years prior to the filing of this
11 Complaint, Defendant or its agents placed more than one
12 solicitation call to the members of the DNC Class whose
13 telephone numbers were on the National Do-Not-Call Registry
14 and who had revoked any prior express consent and any
15 established business relationship with Defendant;
16 b. Whether Plaintiff and the DNC Class member were damaged
17 thereby, and the extent of damages for such violation; and
18 c. Whether Defendant and their agents should be enjoined from
19 engaging in such conduct in the future.

20 42. As a person that received numerous solicitation calls from Defendant
21 within a 12-month period, who, to the extent one existed, had revoked any prior
22 express consent and any established business relationship with Defendant, Plaintiff
23 is asserting claims that are typical of the DNC Revocation Class.

24 43. Plaintiff will fairly and adequately protect the interests of the members
25 of The Classes. Plaintiff has retained attorneys experienced in the prosecution of
26 class actions.

27 44. A class action is superior to other available methods of fair and
28 efficient adjudication of this controversy, since individual litigation of the claims

of all Classes members is impracticable. Even if every Classes member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and of the court system, and protects the rights of each Classes member.

45. The prosecution of separate actions by individual Classes members would create a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the interests of the other Classes members not parties to such adjudications or that would substantially impair or impede the ability of such non-party Class members to protect their interests.

46. Defendant have acted or refused to act in respects generally applicable to The Classes, thereby making appropriate final and injunctive relief with regard to the members of the Classes as a whole.

FIRST CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act

47 U.S.C. §227(b).

On Behalf of the ATDS Class and ATDS Revocation Class

47. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-46.

48. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of 47 U.S.C. § 227(b), and in particular 47 U.S.C. § 227 (b)(1)(A).

49. As a result of Defendant's negligent violations of 47 U.S.C. § 227(b),

1 Plaintiff and the Class Members are entitled an award of \$500.00 in statutory
2 damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

3 50. Plaintiff and the ATDS Class and ATDS Revocation Class members
4 are also entitled to and seek injunctive relief prohibiting such conduct in the future.

5 **SECOND CAUSE OF ACTION**

6 **Knowing and/or Willful Violations of the Telephone Consumer Protection**
7 **Act**

8 **47 U.S.C. §227(b)**

9 **On Behalf of the ATDS Class and the ATDS Revocation Class**

10 51. Plaintiff repeats and incorporates by reference into this cause of action
11 the allegations set forth above at Paragraphs 1-46.

12 52. The foregoing acts and omissions of Defendant constitute numerous
13 and multiple knowing and/or willful violations of the TCPA, including but not
14 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(b)*,
15 and in particular *47 U.S.C. § 227 (b)(1)(A)*.

16 53. As a result of Defendant's knowing and/or willful violations of *47*
17 *U.S.C. § 227(b)*, Plaintiff and the ATDS Class and ATDS Revocation Class
18 members are entitled an award of \$1,500.00 in statutory damages, for each and
19 every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

20 54. Plaintiff and the Class members are also entitled to and seek injunctive
21 relief prohibiting such conduct in the future.

22 **THIRD CAUSE OF ACTION**

23 **Negligent Violations of the Telephone Consumer Protection Act**

24 **47 U.S.C. §227(c)**

25 **On Behalf of the DNC Class and the DNC Revocation Class**

26 55. Plaintiff repeats and incorporates by reference into this cause of action
27 the allegations set forth above at Paragraphs 1-46.

28 56. The foregoing acts and omissions of Defendant constitute numerous

1 and multiple negligent violations of the TCPA, including but not limited to each
 2 and every one of the above cited provisions of *47 U.S.C. § 227(c)*, and in particular
 3 *47 U.S.C. § 227 (c)(5)*.

4 57. As a result of Defendant's negligent violations of *47 U.S.C. § 227(c)*,
 5 Plaintiff and the DNC Class and DNC Revocation Class Members are entitled an
 6 award of \$500.00 in statutory damages, for each and every violation, pursuant to
 7 *47 U.S.C. § 227(c)(5)(B)*.

8 58. Plaintiff and the DNC Class and DNC Revocation Class members are
 9 also entitled to and seek injunctive relief prohibiting such conduct in the future.

10 **FOURTH CAUSE OF ACTION**

11 **Knowing and/or Willful Violations of the Telephone Consumer Protection**

12 **Act**

13 **47 U.S.C. §227 et seq.**

14 **On Behalf of the DNC Class and DNC Revocation Class**

15 59. Plaintiff repeats and incorporates by reference into this cause of action
 16 the allegations set forth above at Paragraphs 1-46.

17 60. The foregoing acts and omissions of Defendant constitute numerous
 18 and multiple knowing and/or willful violations of the TCPA, including but not
 19 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(c)*,
 20 in particular *47 U.S.C. § 227 (c)(5)*.

21 61. As a result of Defendant's knowing and/or willful violations of *47*
 22 *U.S.C. § 227(c)*, Plaintiff and the DNC Class and DNC Revocation Class members
 23 are entitled an award of \$1,500.00 in statutory damages, for each and every
 24 violation, pursuant to *47 U.S.C. § 227(c)(5)*.

25 62. Plaintiff and the DNC Class and DNC Revocation Class members are
 26 also entitled to and seek injunctive relief prohibiting such conduct in the future.

27 ///

28 ///

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

FIRST CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act

47 U.S.C. §227(b)

- As a result of Defendant's negligent violations of 47 U.S.C. §227(b)(1), Plaintiff and the ATDS Class and ATDS Revocation Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).
- Any and all other relief that the Court deems just and proper.

SECOND CAUSE OF ACTION

Knowing and/or Willful Violations of the Telephone Consumer Protection Act

47 U.S.C. §227(b)

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the ATDS Class and ATDS Revocation Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- Any and all other relief that the Court deems just and proper.

THIRD CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act

47 U.S.C. §227(c)

- As a result of Defendant's negligent violations of 47 U.S.C. §227(c)(5), Plaintiff and the DNC Class and DNC Revocation Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(c)(5).
- Any and all other relief that the Court deems just and proper.

FOURTH CAUSE OF ACTION

**Knowing and/or Willful Violations of the Telephone Consumer Protection
Act**

47 U.S.C. §227(c)

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(c)(5), Plaintiff and the DNC Class and DNC Revocation Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(c)(5).
- Any and all other relief that the Court deems just and proper.

JURY DEMAND

63. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully Submitted this 25th Day of May, 2018.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman
Todd M. Friedman
Law Offices of Todd M. Friedman
Attorney for Plaintiff